

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

Editor's Note: *R12-8-107, R12-8-109, R12-8-110, and R12-8-126 are not being published along with the rest of this rule-making package because the agency did not file a docket opening for those sections.*

NOTICE OF PROPOSED RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 8. ARIZONA STATE PARKS BOARD

[R06-230]

PREAMBLE

1. Sections Affected

R12-8-101
R12-8-102
R12-8-104
R12-8-105
R12-8-106
R12-8-108
R12-8-111
R12-8-112
R12-8-113
R12-8-114
R12-8-115
R12-8-116
R12-8-119
R12-8-120
R12-8-122
R12-8-124
R12-8-125
R12-8-301
R12-8-305

Rulemaking Action

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2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing Statute: A.R.S. § 41-511 et seq.

For proposed rules R12-8-101, R12-8-102, R12-8-104, R12-8-105, R12-8-106, R12-8-108, R12-8-111, R12-8-112, R12-8-113, R12-8-114, R12-8-115, R12-8-116, R12-8-119, R12-8-120, R12-8-122, R12-8-124, and R12-8-125:

Implementing Statute: A.R.S. § 41-511.05

For proposed rules R12-8-301 and R12-8-305:

Implementing Statute: A.R.S. § 41-511.04

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 11 A.A.R. 2038, May 27, 2005

Notice of Rulemaking Docket Opening: 11 A.A.R. 3508, September 16, 2005

Notice of Rulemaking Docket Opening: 12 A.A.R. 229, January 27, 2006

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Notice of Rulemaking Docket Opening: 12 A.A.R. 230, January 27, 2006

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

For proposed rules R12-8-101, R12-8-102, R12-8-104, R12-8-105, R12-8-106, R12-8-108, R12-8-111, R12-8-112, R12-8-113, R12-8-114, R12-8-115, R12-8-116, R12-8-119, R12-8-120, R12-8-122, R12-8-124, and R12-8-125:

Name: Rich Evans
Address: 1300 W. Washington
Phoenix, AZ 85007
Telephone: (602) 542-7151
Fax: (602) 542-4180
E-mail: revans@pr.state.az.us

For proposed rules R12-8-301 and R12-8-305 contact:

Name: James Garrison
Address: 1300 W. Washington
Phoenix, AZ 85007
Telephone: (602) 542-7135
Fax: (602) 542-4180
E-mail: jgarrison@pr.state.az.us

5. An explanation of the rule, including the agency's reasons for initiating the rule:

For proposed rules R12-8-101, R12-8-102, R12-8-104, R12-8-105, R12-8-106, R12-8-108, R12-8-111, R12-8-112, R12-8-113, R12-8-114, R12-8-115, R12-8-116, R12-8-119, R12-8-120, R12-8-122, R12-8-124, and R12-8-125:

The amendments will provide further detail and clarification to both the public and the personnel charged with the enforcement of these rules.

For proposed rules R12-8-301 and 305:

The amendments will provide further detail and clarification to both the public and the personnel charged with the enforcement of these rules.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

No study is available or was relied on.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

For proposed rules R12-8-101, R12-8-102, R12-8-104, R12-8-105, R12-8-106, R12-8-108, R12-8-111, R12-8-112, R12-8-113, R12-8-114, R12-8-115, R12-8-116, R12-8-119, R12-8-120, R12-8-122, R12-8-124, and R12-8-125:

As these rules pertain to rules and regulations for the protection of and to maintain and keep peace in, state parks and monuments as prescribed in A.R.S. § 41-511-05(9), no economic, small business, or consumer impact statement is anticipated.

For proposed rules R12-8-301 and R12-8-305: Although revisions to the rule are mainly for clarification, the revisions simplify the process for the user and should reduce time and effort required for certification.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

For proposed rules R12-8-101, R12-8-102, R12-8-104, R12-8-105, R12-8-106, R12-8-108, R12-8-111, R12-8-112, R12-8-113, R12-8-114, R12-8-115, R12-8-116, R12-8-119, R12-8-120, R12-8-122, R12-8-124, and R12-8-125 contact:

Name: Rich Evans
Address: 1300 W. Washington
Phoenix, AZ 85007
Telephone: (602) 542-7151

Notices of Proposed Rulemaking

Fax: (602) 542-4180

For proposed rules R12-8-301 and R12-8-305 contact:

Name: James Garrison

Address: 1300 W. Washington
Phoenix, AZ 85007

Telephone: (602) 542-7135

Fax: (602) 542-4180

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: September 21, 2006

Time: 9:00 a.m.

Location: Desert Outdoor Center at Lake Pleasant
41402 N. 87th Ave.
Peoria, AZ 85383

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

Not applicable

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 8. ARIZONA STATE PARKS BOARD

ARTICLE 1. GENERAL PROVISIONS

Section

- R12-8-101. Definitions
- R12-8-102. Permission to Enter or Remain in a State Park
- R12-8-104. Hours of Use; Use; Closure
- R12-8-105. Day-use areas; Hours
- R12-8-106. Limited Services on Christmas Day
- R12-8-108. Payment of fees
- R12-8-111. Camping
- R12-8-112. Campfires
- R12-8-113. Vehicles, Speed Limits, and Parking
- R12-8-114. Watercraft; Launching and Mooring
- R12-8-115. Pets
- R12-8-116. Glass Containers
- R12-8-119. Weapons
- R12-8-120. Fireworks and Explosives
- R12-8-122. Commercial Use of a Park
- R12-8-124. Disorderly Conduct
- R12-8-125. Special Use
- R12-8-126. Penalty for ~~Regulation~~ Violation

ARTICLE 3. STATE HISTORIC PRESERVATION OFFICE PROGRAMS

Section

- R12-8-301. Definitions
- R12-8-305. ~~Application~~ Verification of Eligibility for Property Tax Reclassification

ARTICLE 1. GENERAL PROVISIONS

R12-8-101. Definitions

In this Chapter:

1. "Board" means the Arizona State Parks Board.
2. "Cabana site" means a camping space with a shelter and electricity available.
3. "Camp or camping" means overnight use of a park area.
4. "Camping unit or camp site" means a defined space within an area designated for overnight use.
5. "Commercial Activity" means soliciting funds, offering to sell any goods or services, advertising, receiving money in exchange for any item or activity, or otherwise conducting a business or any portion of a business, whether for profit or on behalf of a non-profit entity, on property owned or managed by the Arizona State Parks Board. The distribution of literature or materials describing how to make a donation, where such donation would take place off of property owned or managed by the Arizona State Parks Board is not commercial activity under this definition.
- ~~5~~ 6. "Concession" means a contract issued by the Board for the use of state land to provide services or facilities to the public.
- ~~6~~ 7. "Day use area" means a space that is closed to camping or overnight use but open to the public during established hours.
- ~~7~~ 8. "Director" means the Executive Director of the Arizona States Parks Board.
- ~~8~~ 9. "Fee area" means a space for which there is a fee charged to use, occupy, or enter the space.
- ~~9~~ 10. "Hook-up site" means a camping unit with a connection for water, sewer, or electricity.
- ~~10~~ 11. "Interpretive program" means a scheduled program conducted by State Park personnel at a State Park, to inform, educate, or interpret resources for the public.
- ~~11~~ 12. "Park Officer" means an employee of Arizona State Parks appointed by the Board as a Park Ranger Law Enforcement Officer with the authority and power of a Peace Officer under A.R.S. § 41-511.09.
- ~~12~~ 13. "Park Ranger" means an employee of the Board.
- ~~13~~ 14. "Person" means an individual, corporation, firm, partnership, club, or association.
15. "Qualified Service Animal" means any animal individually trained to do work or perform tasks for the benefit of an individual with a disability.
- ~~14~~ 16. "Recreational facility" means a park area used primarily to provide recreational opportunities for the visiting public.
- ~~15~~ 17. "Special program" means an activity sponsored by the Arizona State Parks Board for the enjoyment of park visitors.
- ~~16~~ 18. "Special use" means a nonpublic activity such as a wedding, organized group meeting, jog-a-thon, or seminar, that is outside of a park's activity design or that requires exclusion of the general public from an area of a park. means the following categories of uses on property owned or managed by the Arizona State Parks Board:
 - a. A non-public use of the park which requires exclusion of the general public, which shall be referred to as a "Private Special Event"; or
 - b. Use of the park for a Commercial Activity that is not conducted under a concession agreement, which shall be referred to as a "Public Special Event"; or
 - c. Use of the park for exhibitions, performances, or competitions, where the activity is open to the general public, a special entrance fee is charged, and various profit and non-profit activities, including Commercial Activity may take place, which shall be referred to as "Festivals"; or
 - d. Commercial photography or filming, which shall be referred to as "Commercial Photography"; or
 - e. Use of Arizona State Parks Board docks and docking facilities to load or unload cargo or to launch or retrieve watercraft, which shall be referred to as "Dock Privilege." Special use does not include activities conducted by the Arizona State Parks Board.
- ~~17~~ 19. "State Park System" or "State Park" means the lands, waters, monuments, historical sites, state recreation areas, and any other areas administered by the State Parks Board.
- ~~18~~ 20. "Wildlife" means all wild mammals, wild birds and the nests or eggs thereof, reptiles, amphibians, mollusks, crustaceans, and fish, including their eggs or spawn, as defined in A.R.S. § 17-101(A)(21).

R12-8-102. Permission to Enter or Remain in a State Park

A person who enters, remains in, or uses a State Park shall comply with state law, including these rules and regulations. A person who violates any law or rule while in a State Park shall leave the premises upon order of a Park Ranger or Park Officer. The violator shall not ~~re-enter~~ reenter the park for a period of at least 72 hours.

R12-8-104. Hours of Use; Use; Closure

- A. ~~Camping units and undeveloped areas are open to public use at all hours. Historic sites are open to the public from 8:00 a.m. to 5:00 p.m. hours of use are posted at each site.~~ Day use areas are governed by R12-8-105.
- B. ~~The Director or Park Manager~~ the Director's representative may temporarily restrict the hours of public use or close any State Park or portion of the park in the interest of public safety or to protect public property. ~~The Park Manager~~ Director or the Director's representative may modify the hours of use on a temporary basis to accommodate unusual or seasonal cir-

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cumstances. The Director or ~~Park Manager~~ the Director's representative shall post any exception to usual hours of public use at the park entrance.

- C. A person shall not enter, remain in, or use any State Park in violation of the restrictions governing hours of use or an order for closure.

R12-8-105. Day-use Areas; Hours

Day-use areas are open for public use ~~from 8:00 a.m. until 10:00 p.m.~~ within the hours posted at each park. The Director or ~~Park Manager~~ the Director's representative may restrict the hours of public use in the interest of public safety or to protect public property. The ~~Park Manager~~ Director or the Director's representative may modify the hours of use to accommodate special uses or seasonal or unusual variations in public use. The Director or ~~Park Manager~~ the Director's representative shall post any exception to usual hours of public use at the park entrance.

R12-8-106. Limited Services on Christmas Day

Park facilities are not staffed on Christmas Day except in an emergency. On that day, caves, museums, contact stations, and visitor centers are closed. Other areas are open for public use as posted.

R12-8-108. Payment of Fees

A person shall not enter, remain in, or use a designated fee area without paying the required fee or possessing a valid and current pass or obtaining permission from a ~~Park Ranger~~ the Director or the Director's representative. A fee, unless exempted by a pass ~~an Annual Entrance or 5-Visit permit, collected in one State Park~~ does not authorize use of facilities in another State Park.

R12-8-111. Camping

- A. Camping is permitted only in a designated camping unit and is subject to the following conditions:

1. ~~A No person shall not may~~ camp in a State Park for more than 15 days within a 30-day period unless authorized by the ~~Park Manager~~ Director or the Director's representative. ~~A, except that a person may camp for an additional 14 days within a 45-day period during a posted, designated long-term stay period. This limitation does not apply to a Board-approved concession areas within the park system. The long term stay provision does not apply to a visitor using a camping unit as a principal place of residence while employed in the area.~~
2. A person shall not leave an occupied camping unit unattended overnight without written permission from ~~a Park Ranger~~ the Director or the Director's representative.
3. ~~A person shall ensure that the number~~ The number of vehicles and persons occupying a camping unit and the number of vehicles in the unit do not exceed the limits posted at the area entrance or camping unit.

- B. A camping unit is considered occupied after the appropriate use fee is paid and the camper establishes a conspicuous presence. A person shall not occupy a camping unit in violation of instructions from ~~a Park Ranger~~ the Director or the Director's representative or if there is reason to believe that the unit is occupied by another camper.

- C. A Park Ranger may allow the occupants of a single vehicle to register for more than one camping unit only if the number of occupants exceeds the posted occupancy limit for the unit.

- D. A person shall pay the fee for use of a camping unit on a per-day basis. Payment authorizes use of the facility until 2:00 p.m. on the day the permit expires.

- E. A person shall remove all personal property from a camping unit by 2:00 p.m. on the day of permit expiration.

R12-8-112. Campfires

- A. An outdoor fire may be ignited only in a designated camping unit or day-use area. A person shall ensure that a fire is confined to a designated grill, a fire ring, or other facility provided by the park.

- B. A person shall not ignite or maintain a fire when a high wind is blowing or when open burning is prohibited by order of ~~any Park Ranger~~ the Director or the Director's representative.

- C. A responsible person shall attend and control any fire at all times.

R12-8-113. Vehicles, Speed Limits, and Parking

- A. A motor vehicle shall be driven only on maintained roadways and parking areas, and in areas designated by signs for vehicle use.

- B. The operation of a motor vehicle is governed by the provisions of the Uniform Act Regulating Traffic on Highways, A.R.S. Title 28. A person shall not drive at a speed greater than is reasonable and prudent under the circumstances and conditions or in excess of posted limits.

- C. Motor vehicle operators shall not park or leave motor vehicles unattended except in a designated parking area or parking zone. ~~A Park Ranger~~ The Director or the Director's representative may remove an unattended vehicle that is illegally parked or illegally left standing upon any roadway or park area and may obstruct traffic or impair the normal activities of the park.

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R12-8-114. Watercraft; Launching and Mooring

It is unlawful to moor or launch a watercraft from the shore after such action has been prohibited by the Director or the Director's representative and notice of the restriction is posted at the location where the prohibition applies.

R12-8-115. Pets

- A. A person shall keep a dog, cat, or other pet on a leash that does not exceed 6 feet in length or otherwise restrained while in a State Park.
- B. The restraint requirement in subsection (A) does not apply to a dog in an area open to hunting or field trials, and participating in these activities.
- C. A person shall not take any pet into a park building, cabana, developed beach, or other area that has been determined to be environmentally or ecologically sensitive by the Director. This restriction does not apply to a ~~certified qualified assist service~~ animal.

R12-8-116. Glass Containers

A person shall not possess glass or ceramic containers of any type in a State Park area designated as a public beach or swimming area, or other ~~posted~~ area posted "No Glass Containers."

R12-8-119. Weapons

- A. The following definitions apply under this rule:
 - 1. "Improved recreation area" means all camping units, campground roads, amphitheaters, boat launching ramps, developed picnic areas, developed swimming beaches and any other area which has been designated by the ~~director~~ Director or the Director's representative and reserved for an assembly or other temporary gathering of persons.
 - 2. "Prohibited weapon" means a firearm as defined by A.R.S. § 13-3101(4), a BB gun, pellet gun, bow or slingshot.
- B. Peace officers and private security guards employed by a park concessioner are authorized to carry firearms. No unauthorized person may enter or remain in a park building or an improved recreation area while carrying a prohibited weapon on his person after a reasonable request from ~~a park ranger~~ the Director or the Director's representative to remove it. A reasonable request is one made under circumstances where the person or persons carrying the weapon or weapons poses a danger or threat to others lawfully present. If, after a reasonable request is made, a person carrying a prohibited weapon within a park building or improved recreation area chooses to remain in the building or area, that person shall place the weapon in the custody of ~~a park ranger~~ the Director or the Director's representative upon demand until the person abandons the building or restricted area.
- C. Firearms may be transported or stored in a vehicle on any state park area as allowed by A.R.S. § 13-3102(F).
- D. Licensed hunters may carry lawful hunting weapons in any park area where they may be used to take wildlife and may carry such weapons through an improved recreation area in order to hunt.

R12-8-120. Fireworks and Explosives

No person shall discharge fireworks or any other explosive device within a state park without a special permit from the ~~park manager~~ Director or the Director's representative.

R12-8-122. Commercial Use of a Park

- A. ~~The unauthorized use of any state park for commercial purposes is prohibited. No person may solicit funds, offer to sell any goods or services or otherwise advertise or conduct a business or any portion of a business in a state park without permission from the Director. No person shall participate in Commercial Activity on any property owned or operated by the Arizona State Parks Board, without first obtaining a valid Special Use Permit, Commercial Rental/Retail Permit or concession agreement.~~
- B. This rule shall not prohibit the entry onto a state park of a commercially marked vehicle for the purpose of recreation, service to a park concessioner or in response to an emergency.

R12-8-124. Disorderly Conduct

Disorderly conduct is prohibited within a state park. No person shall, with knowledge that he is disturbing the peace of an area or person, make unreasonable noise, engage in violent behavior, use provocative language or gestures or recklessly display or discharge a firearm or deadly weapon. The use of a loudspeaker is prohibited without a permit from the Director or ~~a Park Manager~~ the Director's representative.

R12-8-125. Special Use

- ~~A. A person who requires special use of a State Park, such as an organized sporting event, pageant, or assembly, shall obtain a special use permit.~~
- ~~B. The Director may reserve a portion of a State Park fee area for approved special use. A special use permit application shall be submitted at least 15 days in advance, and it shall include relevant information to establish that the proposed special use will not constitute a threat to public safety or unduly inconvenience normal park activities. Applications for special use permits are available from each of the Arizona State Parks.~~
- ~~C. The Director may impose conditions on the conduct of any special use to protect the area and maintain its availability as a~~

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State Park. The Director may require that a sponsor post a deposit for damage and clean-up expenses, carry special insurance, and provide adequate medical, sanitary, and security services. If the special use is staged for profit, the Director may require the sponsor to enter into an agreement with the Board for a negotiated percentage of gross receipts or a flat fee.

D. A decision by the Director concerning any special use may be appealed to the Parks Board.

A Special Use Permit shall be required for any use of a park which: would be prohibited by one or more park rules; excludes the general public from the area or facility where the activity is being held; is a concession activity not covered by a concession contract or Commercial Rental/Retail Permit; would generate Commercial Activity not covered by a concession contract or Commercial Rental/Retail Permit; is a spectator event; would require permits from another entity, such as the Coast Guard, Game and Fish Department, or any city, county or other municipality; requires a reservation and is located outside of a designated reservation area; or requires the use of an area for a purpose different from that for which it was designed.

1. Special Uses are subject to the following terms and conditions:

- a. A Special Use Permit may be revoked at any time for failure to follow park rules and regulations.
- b. No Special Use Permit will be issued that conflicts with an exclusive right that has been conferred by a concession agreement or contract without the advance written approval of the concession agreement holder.
- c. Special Use Permits shall be issued on a first-come, first-served basis.
- d. The person or entity must comply in advance of the activity with the indemnity and insurance requirements detailed in the Special Use policy, available from State Parks.
- e. The requested location has not been previously reserved for another Special Use.
- f. The person or entity pays the required fee. The fee may be waived, upon request, for governmental entities.
- g. The Special Use does not conflict with management goals for the property as depicted in the master plan for the park.
- h. The Special Use does not create a safety hazard to participants, spectators, or the general public.

2. Four categories of Special Use Permits may be issued.

- a. Private Special Event. A Special Use Permit shall be issued for Private Special Events provided the following conditions are met:
 - i. The person or entity has requested no more than seven consecutive days of use, and no more than 14 days in any calendar year.
 - ii. The Private Special Event does not significantly interfere with the public's use of the property.
 - iii. No solicitation of funds, offering to sell any goods or services, advertising, or receiving money in exchange for any item or activity takes place on property owned or managed by the Arizona State Parks Board under a Private Special Event Special Use Permit.
- b. Public Special Event. A Special Use Permit shall be issued for Public Special Events provided the following conditions are met:
 - i. The person or entity has requested no more than four consecutive days of use per quarter, and no more than 16 days in any calendar year at any one park.
 - ii. No more than two Public Special Event Permits shall be issued per day per park. Permits shall be issued on a first-come, first-served basis.
- c. Festival Special Use. A Special Use Permit shall be issued for Festival Special Events provided the following conditions are met:
 - i. The person or entity has requested the permit at least 120 days in advance of the event. Events with anticipated attendance greater than 1,500 people per day shall require application at least 180 days in advance of the event.
 - ii. The person or entity has provided a detailed plan regarding sanitary facilities, medical services, parking, food and drink facilities, booths and sponsorships, that complies with the requirements detailed in the Special Use policy, available from the Arizona State Parks Board. This plan must be submitted to the Arizona State Parks Board at least 90 days in advance of the event.
 - iii. The person or entity has obtained any permits required from other entities, such as cities, counties, other municipalities, or governmental entities.
 - iv. The person or entity has requested no more than seven consecutive days of use, and no more than 14 days in any calendar year.
 - v. Sponsorships. The person or entity requesting a Festival Special Use Permit may seek sponsorships for that festival or parts of that festival, provided that the sponsorships comply with the Arizona State Parks Board Policy and Procedures, available from the Arizona State Parks Board.
 - vi. No more than one festival per day per park is allowed, and Festival Special Use permits shall be issued on a first-come, first-served basis.
- d. Commercial Photography. A Special Use Permit shall be issued for Commercial Photography provided the following conditions are met:
 - i. The person or entity has requested the permit at least 30 days in advance of the event.
 - ii. The person or entity has requested no more than seven consecutive days of use, and no more than 14 days in

- any calendar year.
- iii. Commercial Photography Special Use Permits shall be used only for actual filming and photo-taking activities. No soliciting funds, offering to sell any goods or services, advertising, or receiving money in exchange for any item or activity shall take place on property owned or managed by the Arizona State Parks Board.
3. A Commercial Rental/Retail Permit shall be issued to load or unload cargo or to launch or retrieve watercraft on docks owned or operated by the Arizona State Parks Board, provided the following conditions are met:
- a. Commercial Rental/Retail will expire on December 31st of the year in which the permit was issued, and shall be valid only at the issuing state park.
 - b. Commercial Rental/Retail Permits shall be used only for loading and unloading of cargo and the launch or retrieval of watercraft. No soliciting funds, offering to sell any goods or services, advertising, or receiving money in exchange for any item or activity shall take place on property owned or managed by the Arizona State Parks Board.
 - c. The person or entity requesting the permit must comply in advance of the activity with the indemnity and insurance requirements detailed in the Commercial Rental/Retail Permits policy, available from the Arizona State Parks Board.
 - d. A Commercial Rental/Retail Permit may be revoked at any time for failure to follow park rules and regulations.
 - e. No Commercial Rental/Retail Permit will be issued that conflicts with an exclusive right that has been conferred by a concession agreement or contract.
 - f. The person or entity pays the required fee. The fee may be waived, upon request, for governmental entities.
 - g. The Commercial Rental/Retail Permit activity does not conflict with management goals for the property as depicted in the master plan for the park.
 - h. The Commercial Rental/Retail Permit activity does not create a safety hazard to participants, spectators, or the general public.

ARTICLE 3. STATE HISTORIC PRESERVATION OFFICE PROGRAMS

R12-8-301. Definitions

In this Article, unless the context otherwise requires:

- 1. "State Historic Preservation Officer" or "Officer" means an employee of the Board with professional competence and expertise in the field of historic preservation who administers the State Historic Preservation Program.
- 2. "Arizona Register of Historic Places," "Arizona Register," or "Register" ~~is the~~ means the state's list of Arizona's historic properties worthy of preservation and serves as an official record of Arizona's historic districts, sites, buildings, structures, and objects of national, state, or local significance in the fields of history, architecture, archaeology, engineering, or culture. Properties listed or eligible for the Arizona Register of Historic Places may also be eligible for listing on the National Register of Historic Places.
- 3. "National Register of Historic Places" means the Nation's official list of historic districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, or culture. Listing on the National Register of Historic Places is required to qualify for state tax incentives.
- 4. "Historic Sites Review Committee" or "HSRC" means a standing committee of the Arizona Historical Advisory Commission per A.R.S. § 41-1352 appointed by the State Historic Preservation Officer to review nominations to the registers.
- 5. "Historic Property" means a building, site, district, object, or structure evaluated as historically significant.
- 6. "State Historic Preservation Office" or "SHPO" means the program staff under the supervision of the Officer.
- 7. "Certified Local Government" or "CLG" means a city, town or county that maintains an approved historic preservation program in partnership with the Officer and the National Park Service.
- 8. "Nominator" means property owners, public agencies, private institutions, local historical societies, local preservation commissions, local planning offices, social or merchant organizations, professional consultants, college professors or students, special interest groups, or interested members of the general public.

R12-8-305. ~~Application for~~ Verification of Eligibility for Property Tax Reclassification

- A. ~~The Board There shall be a approve the content and format of the~~ Verification of Eligibility form for use in certifying the eligibility of a property for classification either as Commercial Historic Property or as Non-Commercial Historic Property. ~~Either An application~~ form may be obtained from the County Assessor's Office where the property is located or from the State Historic Preservation Office (SHPO).
- B. For either Commercial Historic Property or Non-Commercial Historic Property, ~~an application the completed form~~ containing the following information shall be submitted to the County Assessor in the county in which the property is located:
- 1. Address of the property,
 - 2. Legal description of the property,

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3. Property classification,
 4. Name of owner,
 5. Historic property name as listed on the National Register of Historic Places,
 6. Date of original construction,
 7. Description of any exterior changes to the building since being listed on the National Register of Historic Places,
 8. ~~Pictures~~ Photographs of the historic property meeting the specifications of the Board, and
 9. The owner's written consent for the viewing of the property by the Officer or the Officer's representative.
- ~~C.~~** For Commercial Historic Property, an application containing the following information shall be submitted to the County Assessor in the county in which the property is located:
1. ~~Address of the property,~~
 2. ~~Legal description of the property,~~
 3. ~~Property classification,~~
 4. ~~Name of owner,~~
 5. ~~Historic property name as listed on the National Register of Historic Places,~~
 6. ~~Date of original construction,~~
 7. ~~Description of any exterior changes to the property since being listed on the National Register of Historic Places,~~
 8. ~~Pictures of the historic property that must meet the specifications approved by the State Parks Board. Specifications are available to the public by contacting the State Historic Preservation Office, and~~
 9. ~~The owner's written consent for the viewing of the property by the Officer or the Officer's representative.~~
- ~~D.~~** Upon Following the assessor's ~~verification~~ initial review of the ~~application form~~, the assessor shall submit the ~~application form~~ to the Officer for verification of eligibility.
- ~~E.~~** An applicant for Commercial Historic Property shall submit, in addition to the form, rehabilitation construction documents including plans and specifications to the County Assessor's Office in the county where the property is listed. These documents shall be forwarded to the Officer for review per R12-8-306.
- ~~F.~~** If a Historic Property Inventory Form for the property is not already on file with the State Historic Preservation Office, the applicant for Commercial Historic Property reclassification shall complete the Inventory Form and submit it along with the rehabilitation construction documents to the Officer. The Inventory Form is referenced in R12-8-303.